

**City of Cape May
Shade Tree Commission
Auditorium/Live Stream
Meeting Minutes of
Tuesday, Aug. 12, 2025
2:00 pm**

CALL TO ORDER

Vice Chairman Ator called the meeting to order and announced compliance with the Open Public Meetings Act of 1975, that adequate notice of this meeting has been provided.

PLEDGE OF ALLEGIANCE

Vice Chairman Ator led the meeting in the Pledge of Allegiance.

ATTENDANCE

Vice Chairman Ator, Commissioner York, Commissioner Sick, Commissioner Werner, Commissioner Preminger, Commissioner Perez, Commissioner Seeland, Commissioner Goldstein, Councilman Meier, DPW Rep. McCloskey, City Landscaper Ron Menear

ABSENT MEMBERS

Chairman Schatz – Excused

GUESTS

Robert Drake – 17 S. Broadway
Elizabeth Breece – 1135 Washington St.
Glenn Madden – 603 Columbia Ave.
Marc Fink – 1309 Maryland Ave.

APPROVAL OF MINUTES

Commissioner Ator **motioned, seconded** by Commissioner Perez to **approve** the minutes of July 8th, 2025.

Vice Chairman Ator – **Yes**

Commissioner York – **Yes**

Commissioner Sick – **Yes**

Commissioner Werner – **Yes**

Commissioner Seeland – **Yes**

Commissioner Perez - **Yes**

Commissioner Preminger – **Abstain**

Commissioner Goldstein - **Abstain**

Vice Chairman Ator recognized Mary Beth & Robert Drake – **17 S. Broadway – Appeal**

Vice Chairman Ator stated that this tree is in his district, and it appears to be a very healthy Holly tree. The tree removal permit application was denied for this reason.

Mrs. Drake reported that since the denial their dog ate leaves that fell from the tree and became ill. She stated that the vet and the ASPCA have told her that Holly leaves are

poisonous to pets. She is here today because she would like the Commission to reconsider her application for removal based on the current situation.

There was discussion of fencing the tree and the area around the trees canopy to help prevent the dogs access to the Holly leaves.

The applicants reported that they would be willing to replace the Holly tree with Dogwood trees and/or take suggestions from the Commission on a replacement.

Vice Chairman Ator **motioned, seconded** by Commissioner York **to approve** the removal of the Holly tree at 17 S. Broadway, with a 2 for 1 replacement, with a selection from the approved STC tree list.

Vice Chairman Ator – **No**

Commissioner York – **No**

Commissioner Sick – **No**

Commissioner Preminger – **No**

Commissioner Werner – **No**

Commissioner Perez – **No**

Commissioner Seeland – **No**

Commissioner Goldstein – **No**

Vice Chairman Ator recognized Elizabeth Breece – **1135 Washington St. – Appeal**

Commissioner Perez denied this Street Tree removal request previously stating that the applicant needed to exercise caution when entering and exiting the driveway.

Ms. Breece explained that she submitted the Street Tree Removal Request because the street tree roots and curb block the driveway. Her neighbor's driveway is side by side with hers. Because of the tree and the roots, she often must exit on a diagonal, risking hitting either her neighbor's car or the tree.

Ms. Breece thought that the curb and the tree roots could be adjusted to help rectify the issue. She says she cannot park in front of her house because lines have been painted on the street and there is also a fire hydrant in proximity.

Commissioner Preminger suggested that Mr. Menear, the City Landscaper look at the tree and see if it is possible to come up with a solution. Councilman Meier stated that to remove the No Parking lines on the street in front of the residence, would be a matter to discuss with the City Manager.

It was decided that the decision should be tabled until the September meeting to allow all members of the Commission to assess the Street Tree and the parking situation.

Vice Chairman Ator recognized Glenn Madden – **603 Columbia Ave.**

Mr. Madden was in attendance because of a letter from Code Enforcement referring to a fine for tree removal without a permit.

He stated that he was shocked to find out he was being fined because he removed a tree that had been dead for a very long time.

Councilman Meier stated that Mr. Madden would have to appeal to the City Manager not this Commission because the decision was already made by Code Enforcement.

Mr. Madden explained that the tree was hit by lightning 10 yrs ago. He says he was not aware that there was a Shade Tree Commission. Also stating that he did not know that he needed a permit to remove a dead tree. He would like to avoid going to court over the tree. He then showed pictures of the tree from his phone to the Commissioners.

Several members of the Commission confirmed to Mr. Madden that the situation was out of their control at this point. Mr. Madden then said he would approach the City Manager's Office before going to court.

Vice Chairman Ator recognized Marc Fisk – **1309 Maryland Ave.**
for Jason Fronio – 1308 Idaho Ave.

Mr. Fisk explained that he had submitted a Tree Removal Permit earlier in the summer for trees that he had mistakenly thought were on his property. The trees belong to Jason Fronio, 1308 Idaho Ave. Mr. Fronio's property backs up to Mr. Fisk's property.

Commissioner Seeland said that he recommends removal of the trees as they are dead, however there should be replacement trees planted.

Mr. Fisk said that he hesitated to speak for Mr. Fronio, but it is his impression that if he is forced to replant or replace the trees he simply will not do anything. Leaving the dead trees where they are.

Commissioner Seeland reported that the Commission is still discussing the development of a Tree Bank and that may be an option in lieu of replanting.

Commissioner York stated that Mr. Fronio also has the option to appeal against the mandatory replanting of removed trees.

There was discussion of the measurements of the trees and the difficulty of determining the actual size as there are vines wrapped around the trunks of the trees. This is making it difficult to decide which of the trees needs a permit for removal.

Vice Chairman Ator clarified to the Commission that the replacement clause only applies to healthy trees. If these trees are dead, then there is no need to replace the trees.

It was decided that a report from the landscaper/tree removal company stating that the trees were all dead, then the Commission would sign off on the decision to remove the trees.

Deletions from the Consent Agenda:

1155 Washington St. – Street Tree Removal Request

Commissioner Perez stated that he received the request back in June but did not have the opportunity to visit the site. Vice Chairman Ator said that he himself did look at the tree and it is not completely dead, has vines that need to be removed and does not need to be taken down.

Commissioner York said that it has some dead spots and a lot of vines and may be able to be saved.

Commissioner Goldstein thought that the tree was somewhat hollowed out.

It was decided that each Commissioner should look at the tree and revisit the request at the next meeting in September.

Consent Agenda: TREE REMOVAL PERMIT APPLICATIONS

704 A Madison Ave.
1217 A Lafayette St.
1308 Idaho Ave.

Vice Chairman Ator **motioned, seconded** by Commissioner York **to approve** the Tree Removal Permit Applications for all 3 permit applications on the **Consent Agenda, with a 2 for 1 replacement** for 704 A Madison Ave.

Vice Chairman Ator – **Yes**
Commissioner Sick – **Yes**
Commissioner Werner – **Yes**
Commissioner Seeland – **Yes**

Commissioner York – **Yes**
Commissioner Preminger – **Yes**
Commissioner Perez – **Yes**
Commissioner Goldstein – **Yes**

Old Business

None

SUB-COMMITTEE REPORT

Commissioner Werner reported that the solicitor attended the meeting, and they discussed the development of the Tree Bank. The solicitor will draft up an ordinance and we will have it for the next meeting to review with ability to add or delete. Monumental Trees were also discussed, and the solicitor will look at the wording of protection for those trees for the ordinance.

NEW BUSINESS

Pink and Green ribbons will now be used to designate trees that are to be removed (pink) and trees that need to be pruned (green). This will help the City Landscaper and DPW identify the correct trees for submitted Work Orders.

Vice Chairman Ator handed out a roll of each color ribbon to each of the Commissioners.

Street Tree pruning – Vice Chairman Ator stated that he did not think that we should be putting in Work Orders for pruning without a request from the homeowners.

Vice Chairman Ator also reminded the Commissioners that any requests be put in an email for the secretary.

COUNCIL REPORT

Councilman Meier reported that they are working on Tree of Heaven removals, and they should be poisoned and removed after tourist season.

DPW REPORT

Work Orders are running behind as DPW is very busy. Poison Ivy removals will not be handled by DPW. It will be contracted out.

COMMENTS/PUBLIC PORTION

Commissioner Seeland reported that he received an email yesterday 8/11 concerning trees being removed at 1317 New York Ave. Upon investigation Code Enforcement found that 2 large trees had been removed by the homeowner for an addition on the home. The homeowner thought the architect had applied for the permits. Commissioner Seeland met with the homeowner this morning and informed him that there will be a fine involved.

ADJOURNMENT

Vice Chairman Ator **motioned, seconded** by Commissioner Sick **to adjourn**.

All in favor.

Respectfully submitted by:



Connie Costello

Cape May City

Shade Tree Commission

Secretary